



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3969-00
4 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 6 March 1979 at the age of 19. Your record reflects that you served for a year and five months without disciplinary infractions but on 28 August 1983 you received nonjudicial punishment (NJP) for two incidents of possession of marijuana. The punishment imposed was reduction to paygrade E-4, restriction and extra duty for 45 days, and a \$636 forfeiture of pay. Approximately five months later, on 25 January 1982, you received NJP for two incidents of failure to obey a lawful order and were awarded restriction and extra duty for 14 days and a \$100 forfeiture of pay.

Your record further reflects that on 27 January 1983 you received your third NJP for use of marijuana. the punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-3, and two months forfeiture of pay. On 17 February 1983 you were notified of pending administrative separation action by reason of misconduct due to drug abuse. At this time you waived your rights to consult with legal counsel, to present your case to an administrative discharge board, and to submit a statement in rebuttal to the separation. Subsequently, the discharge

authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 8 March 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJPs and especially your frequent drug related misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director